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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/781,040	02/18/2004	Dmitry Lubomirsky	008266/CMP/ECP	8367
44257	7590	07/02/2008	EXAMINER	
PATTERSON & SHERIDAN, LLP - - APPM/TX			VAN, LUAN V	
3040 POST OAK BOULEVARD, SUITE 1500				
HOUSTON, TX 77056			ART UNIT	PAPER NUMBER
			1795	
			MAIL DATE	DELIVERY MODE
			07/02/2008	PAPER

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The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* DMITRY LUBOMIRSKY  
and MICHAEL X. YANG

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Appeal 2007-3942  
Application 10/781,040  
Technology Center 1700

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Decided: July 2, 2008

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Before BRADLEY R. GARRIS, THOMAS A. WALTZ, and CATHERINE Q. TIMM, *Administrative Patent Judges*.

GARRIS, *Administrative Patent Judge*.

DECISION ON REQUEST FOR REHEARING

This is in response to a Request, filed May 13, 2008, for rehearing of our Decision, mailed March 13, 2008, wherein we sustained each of the Examiner's § 112, first paragraph, and § 103 rejections.

The arguments presented in this Request relate only to the § 103 rejection of claim 1 over Dordi in view of Sendai. Appellants argue "both the Board and the Examiner have failed to show 'tilting the receiving

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member to a first tilt angle measured from horizontal', 'displacing the receiving member toward the fluid solution at the first tilt angle', and 'tilting the receiving member to a second tilt angle measured from horizontal when the substrate contacts the fluid solution<sup>[1]</sup>', the second tilt angle being different from the first tilt angle' as recited in claim 1" (Request 2).

This argument is unpersuasive for the reasons expressed on pages 4-6 of our Decision.

The Request for Rehearing is Denied.

DENIED

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PATTERSON & SHERIDAN, LLP – APPM/TX  
3040 POST OAK BLVD., SUITE 1500  
HOUSTON, TX 77056

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<sup>[1]</sup> The claim 1 recitation "when the substrate contacts the fluid solution" does not appear to have been argued with any reasonable specificity in the Briefs filed by Appellants in this appeal. We remind Appellants that arguments not raised in the Briefs before the Board are not permitted in a Request for Rehearing (except under circumstances not relevant here). *See* 37 C.F.R. § 41.52 (a)(1).